

**MINUTES OF THE  
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, June 19, 2013 – 2:30 p.m. – Room 25 House Building

**Members Present:**

Sen. Todd Weiler, Senate Chair  
Rep. Curtis Oda, House Chair  
Sen. Margaret Dayton  
Sen. Daniel W. Thatcher  
Rep. Derek E. Brown  
Rep. Richard A. Greenwood  
Rep. Keith Grover  
Rep. Dana Layton  
Rep. Paul Ray  
Rep. Edward H. Redd  
Rep. Marc K. Roberts  
Rep. Jennifer M. Seelig

Rep. Keven J. Stratton

**Members Absent:**

President Wayne L. Niederhauser  
Sen. Luz Robles  
Rep. Mark A. Wheatley

**Staff Present:**

Mr. Nathan W. Brady, Policy Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Lori Rammell, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Weiler called the meeting to order at 3:20 p.m.

**MOTION:** Sen. Thatcher moved to approve the minutes of the May 15, 2013, meeting. The motion passed unanimously. Rep. Seelig was absent for the vote.

Chair Weiler reviewed the prioritized study item list. He also addressed the email that staff sent to committee members regarding the prioritized Master Study Items. He reminded the committee members that each study item sponsor was directed to form a work group with the intent of reporting to the committee on the status of their work no later than the September interim meeting.

**2. Recognition of Commissioner D. Lance Davenport**

Commissioner Davenport thanked the state for the opportunity to serve in various capacities over the past 29 years, most recently as the commissioner of the Department of Public Safety. Members of the committee expressed their admiration and appreciation for his professional and valued service.

**3. Drug Testing at Pedestrian Accident Scenes**

Ms. Rebecca Brown, auto-pedestrian accident survivor, presented "Pedestrian Safety in Utah" and reviewed current laws regarding drug testing at auto-pedestrian accident scenes. She reviewed pedestrian responsibilities as well as automobile operator responsibilities and police responsibilities, including checking for driver distractions and whether the driver was under the influence of drugs or alcohol. She stressed that more investigation needs to be done at accident scenes, and she encouraged legislators to change the statute to require law enforcement to conduct an enhanced investigation, including drug testing, at accident scenes.

Rep. Redd asked whether the current statute only applied to fatal accidents, and Ms. Brown replied that that was her understanding.

Rep. Stratton asked for clarification regarding the current statute and whether investigations are required only in the case of fatalities.

Ms. Joy Brown, mother of the survivor, stated that on-site drug testing is not currently required, but she is suggesting that legislation be passed to require testing whenever an ambulance is called to an auto-pedestrian accident scene.

Rep. Greenwood described his years of experience as a police officer investigating auto-pedestrian accidents. He questioned use of the term "enhanced investigation," but said he knows that drug testing is not done in every case. He said his recommendation is some clarification regarding current statute, but he would be in favor of initially looking further into drug testing.

Rep. Oda asked if Ms. Rebecca Brown had some indication that the driver in her case was impaired. He said he would feel more comfortable if both drivers and pedestrians were tested for impairment. Ms. Brown said she would be amenable to that.

Rep. Layton agreed that gathering information at the scene of the accident makes sense, but questioned the constitutionality of drug testing without probable cause.

Rep. Redd stated that it is not possible to know the extent of possible injuries at the scene of an accident, so it would be difficult to make a determination of necessity of drug testing if it were based on the likelihood of fatality. Rep. Greenwood stated that, in his experience, standard procedure was to drug test both the driver and the victim of a fatal accident. He agreed to look into the current statute further, and Chair Weiler encouraged Rep. Greenwood to work with Speaker Lockhart. Rep. Oda further suggested that Rep. Greenwood determine the current protocols of different law enforcement agencies when responding to auto-pedestrian accidents.

#### **4. Utah Department of Corrections - Issues and Agency Update**

Mr. Rollin Cook, Executive Director, Utah Department of Corrections, reviewed his efforts thus far in familiarizing himself with his new job responsibilities, staff, and facilities. He expressed concern over the lack of communications in the past between staff and leadership, and reported on his activities to address employees' concerns. He stated that his office is increasing communication with staff, including the use of the agency's interweb, Facebook, and Twitter accounts, as well as staff notes and on-site visits. He reviewed his philosophy regarding corrections, including appropriately assessing and housing inmates.

Mr. Mike Haddon, Deputy Director, Utah Department of Corrections, also addressed Chair Weiler's question, then distributed "Female Offender Programming: Overview of programming services offered to female offenders by the Utah Department of Corrections" and "Utah Corrections Department Update." The first handout was in response to a question raised at last month's interim meeting and was distributed, he stated, simply for the information of the committee. He reviewed the second handout, which concerned the department's projections for inmate population, its parole population trends, and its female population

trends. He stated that the department is currently 18 female inmates over maximum capacity, including available beds in all facilities.

Sen. Thatcher asked if contracting could be adjusted to address the overcrowding of the female inmates, and Mr. Haddon described some of the various solutions being considered to address the issue.

Mr. Haddon continued explaining the report, the trends in female parolees, and causes for the increase in the number of female inmates. He reviewed the process for gathering data and alternatives for reducing parole violations and recidivism.

## **5. New Felonies and Enhancements on Existing Punishments**

This item was rescheduled for the next interim meeting.

## **6. Domestic Violence Report**

Mr. Brady explained that, at the May interim meeting, committee staff was asked to research the original intent of the legislation that required the Department of Public Safety to compile data on domestic violence. He reported to the committee that he had reviewed the minutes and audio of the committee meetings and floor debate during which the data collection was discussed. He also reported discussing the intent of the data collection with Sen. John Greiner, who sponsored the original legislation in 2008. Mr. Brady stated that the purpose of the data collection was to provide information to local law enforcement and nongovernmental entities to facilitate the study of the demographics of domestic violence, with the intent of gaining insights into persons who are most at risk of committing or becoming a victim of domestic violence.

Rep. Perry explained the reasoning behind 2013 General Session H.B. 361, "Domestic Violence Statistics Reporting," a bill he sponsored that required the Bureau of Criminal Identification to compile the data that it had been collecting on domestic violence and present a report to the Law Enforcement and Criminal Justice interim Committee. He explained that an understanding of the information collected regarding marital status of victims of domestic violence, relationships between victims and suspects, and the arrest rates in those cases could help legislators and law enforcement better address the issues surrounding domestic violence.

Mr. Stan Rasmussen, Director of Public Affairs, Sutherland Institute, explained the intent of the legislation five years ago that required the collection of domestic violence data. He explained why this data was chosen and why it was to be collected from certain cities. He stated that he believes this information is prudent and could be helpful.

Mr. Ned Searle, Commission on Criminal and Juvenile Justice, stated that his department had no input in the consideration of which data was collected.

Mr. Stewart Ralphs, Legal Aid Society of Salt Lake, stated that, despite not knowing the original purpose of the bill, the Legal Aid Society is encouraged by the protections being passed by the Legislature.

Ms. Brandy Farmer, Utah Domestic Violence Council, said that she hopes the information being collected can be used to reduce the number of domestic violence cases.

7.

**Adjourn**

Chair Weiler adjourned the meeting at 4:59 p.m.